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OFFICE OF PETITIONS

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|---------------------------------|---|----------------------------|
| In re Application of | : | |
| Gou Shinohara et al. | : | |
| Application No. 10/669,470 | : | |
| Filed: September 25, 2003 | : | DECISION ON PETITION |
| Attorney Docket No. 1018995- | : | UNDER 37 C.F.R. § 1.181(A) |
| 000738 | : | |
| Title: AGENT FOR IMPROVING BONE | : | |
| METABOLISM | : | |

This is a decision on the petition under 37 C.F.R. § 1.181(a) to withdraw the holding of abandonment, filed on July 20, 2007.

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed November 20, 2006, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on February 21, 2007. A notice of abandonment was mailed on July 5, 2007.

With the present petition, Petitioner has alleged that the mailing was not received, and has included a copy of the docket report.

CONCLUSION

Petitioner has met the requirements of Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), in that he has asserted that the mailing was not received, that he has searched the file jacket and the docket report, and he has included a copy of the latter.

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that the mailing was not received.

Accordingly, the petition under 37 C.F.R. §1.181(a) is GRANTED. The holding of abandonment is WITHDRAWN.

The Technology Center will be notified of this decision. The Technology Center's support staff will re-mail the non-final action of November 20, 2006, and will set a new period for response.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



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